United Nations A/HRC/36/L.4*

General Assembly

Distr.: Limited
22 September 2017

Original: English

Human Rights Council
Thirty-sixth session
11–29 September 2017
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Austria, Belgium, Bulgaria,** Canada,** Croatia, Cyprus,** Czechia,** Denmark,** Estonia,** Finland,** Germany, Iceland,** Ireland,** Italy,** Latvia, Liechtenstein,** Lithuania,** Luxembourg,** Malta,** Monaco,** Netherlands, Norway,** Poland,** Portugal, Romania,** Slovenia, Spain,** Sweden,** the former Yugoslav Republic of Macedonia:** draft resolution**

36/... Situation of human rights in Yemen

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights and relevant international human rights treaties,

Recalling Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September 2012, 24/32 of 27 September 2013, 27/19 of 25 September 2014, 30/18 of 2 October 2015 and 33/16 of 29 September 2016,

Taking note of the statement made by the President of the Security Council on 15 June 2017 on Yemen,[1]

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Yemen,

Recognizing that the promotion, protection and fulfilment of human rights are key factors in ensuring a fair and equal justice system and, ultimately, *reconciliation* and stability for the country,

Acknowledging that international human rights law and international humanitarian law are complementary and mutually reinforcing, and reaffirming that all efforts should be

* Reissued for technical reasons on 22 September 2017.
** State not a member of the Human Rights Council.
[1] S/PRST/2017/7.

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made to ensure the cessation of all violations and abuses of and the full respect for international human rights law and international humanitarian law in armed conflicts,

Alarmed by reports by the Office for the Coordination of Humanitarian Affairs that the existing man-made humanitarian emergency continues to deteriorate, causing increased suffering for the Yemeni population and affecting the enjoyment of their human rights,

Gravely concerned about reports indicating that the parties to the armed conflict do not provide sufficient humanitarian access,

Welcoming the recommendations and conclusions made by the United Nations High Commissioner for Human Rights in his reports on the situation of human rights in Yemen, including violations and abuses since September 2014,[2]

Gravely concerned by the allegations of violations of international humanitarian law and of violations and abuses of human rights law in Yemen, including those involving grave violations against children, attacks on humanitarian workers, civilians and civilian infrastructure, including medical facilities and missions and its personnel, as well as schools, the prevention of access for humanitarian aid, the use of import and other restrictions, and forced displacement as a tactic in the conflict in violation of international humanitarian law, the continuous denial of the right to freedom of religion or belief, including for minorities, such as members of the Baha'i faith, and harassment of and attacks against journalists and human rights defenders, including women's human rights defenders,

Underlining the important role played by free media and non-governmental human rights organizations in contributing to an objective appraisal of the human rights situation in Yemen, and deploring the cases where they have experienced obstruction and harassment,

Reiterating its strong support for the efforts of the Secretary-General and his Special Envoy for Yemen to achieve the urgent resumption of peace negotiations, and recalling the need for all parties to the conflict to react in a flexible and constructive manner and without preconditions to these efforts, and to fully and immediately implement all provisions of relevant Security Council resolutions,

Noting the extensive work carried out by the Yemen National Commission of Inquiry and the significant challenges that it continues to face in carrying out independent comprehensive investigations into all alleged violations and abuses of human rights and alleged violations of international humanitarian law in Yemen,

Noting also the work carried out by the joint incident assessment team,

Taking note of the repeated recommendations made by the High Commissioner on the establishment of an independent international investigative mechanism to establish the facts and circumstances surrounding all alleged violations and abuses of human rights and violations of international humanitarian law,

1. *Condemns* the ongoing violations and abuses of human rights and violations of international humanitarian law in Yemen, including those involving the widespread recruitment and use of children by parties to the armed conflict, arbitrary arrests and detention, denial of humanitarian access and attacks on civilians and civilian objects, including medical facilities and missions and its personnel, as well as schools, and emphasizes that those responsible for violations and abuses of human rights and violations of international humanitarian law must be held accountable;

[2] A/HRC/30/31, A/HRC/33/38 and A/HRC/36/33.

2. *Demands* that all parties to the armed conflict respect their obligations and commitments under international human rights law and international humanitarian law, and in particular stop all indiscriminate attacks against civilians and civilian objects, ensure humanitarian access to the affected population nationwide, including by lifting obstacles to the importation of humanitarian goods, reducing bureaucratic delays, resuming salary payments for civil servants and ensuring the full cooperation of the Central Bank of Yemen;

3. *Calls upon* all parties to the armed conflict in Yemen to engage in the political process in an inclusive, peaceful and democratic way, ensuring the equal and meaningful participation and full involvement of women in the peace process;

4. *Demands* that all parties to the armed conflict end the recruitment and use of children and release those who have already been recruited, and calls upon all parties to cooperate with the United Nations for their reintegration into their communities, taking into consideration the relevant recommendations made by the Secretary-General in his report on children and armed conflict;[3]

5. *Calls upon* all parties to immediately release all Baha'i detained in Yemen due to their religious belief, to cease the issuance of arrest warrants against them and to cease the harassment to which they are subjected;

6. *Urges* all parties to the armed conflict to take all the measures necessary to ensure effective, impartial and independent investigations into all alleged violations and abuses of human rights and alleged violations of international humanitarian law, in accordance with international standards, with a view to ending impunity;

7. *Encourages* the Government of Yemen to continue to cooperate with the Office of the United Nations High Commissioner for Human Rights and all relevant special procedures with a view to further strengthening the capacity of the National Commission and relevant Yemeni judicial institutions;

8. *Decides* to establish an international commission of inquiry, composed of three members, for a period of one year, renewable as authorized by the Human Rights Council, with the following mandate;

(*a*) To monitor and report on the situation of human rights, and to carry out comprehensive investigations into all alleged violations and abuses of human rights and violations of international humanitarian law by all parties to the conflict in Yemen since September 2014, including possible gendered dimensions of such violations, and to document the facts and circumstances surrounding alleged violations and abuses and, where possible, to identify those responsible with a view to ensuring that perpetrators of violations and abuses, including those that may constitute war crimes and crimes against humanity, are held accountable;

(*b*) To make general recommendations on improving the respect for and protection and fulfilment of human rights, and to provide guidance on transitional justice, accountability, reconciliation and healing, as appropriate;

(*c*) To engage with Yemeni authorities and all stakeholders, in particular United Nations agencies, the field presence of the Office of the High Commissioner in Yemen, authorities of the Gulf States, and the League of Arab States with a view to exchanging information and providing support for national, regional and international efforts to promote accountability for human rights violations and abuses in Yemen;

[3] A/70/836–S/2016/360.

9. *Requests* the immediate operationalization of the mandate and the appointment of the international commission of inquiry by the President of the Human Rights Council as soon as possible and no later than by the end of 2017;

10. *Requests* the international commission of inquiry to present a comprehensive written report, in an interactive dialogue, to the Human Rights Council at its thirty-ninth session;

11. *Decides* to transmit the report of the commission of inquiry and the update thereto to the General Assembly, and recommends that the Assembly transmit the reports to all relevant bodies of the United Nations;

12. *Encourages* all parties to the armed conflict in Yemen to extend full and transparent access and cooperation to the international commission of inquiry;

13. *Requests* the Secretary-General and the High Commissioner to provide the full administrative, technical and logistical support necessary to enable the commission of inquiry to carry out its mandate;

14. *Requests* the Office of the High Commissioner to present to the Human Rights Council, at its thirty-seventh and thirty-eighth sessions, an oral update on the situation of human rights in Yemen, and on the follow-up to the present resolution, and to present to the Council at its thirty-ninth session a progress report on developments and the implementation of the present resolution.